

STATE OF MINNESOTA
IN COURT OF APPEALS
A22-1221



Johnny Earl Edwards, petitioner,
Appellant,

vs.

State of Minnesota,
Respondent.

ORDER OPINION

Anoka County District Court
File No. 02-CR-17-3290

Considered and decided by Bratvold, Presiding Judge; Johnson, Judge; and Bryan, Judge.

BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND BECAUSE:

1. On December 11, 2017, appellant Johnny Earl Edwards pleaded guilty to and was convicted of aiding and abetting second-degree murder in violation of Minnesota Statutes section 609.19, subdivision 2(1) (2016). On February 13, 2018, the district court sentenced Edwards to a term of 363 months in prison, entered judgment, and reserved restitution for 30 days. After a contested restitution hearing, the district court issued an order of restitution on July 25, 2018. On October 9, 2018, Edwards filed an appeal of the July 25, 2018 restitution order, which this court subsequently affirmed. *State v. Edwards*, A18-1632, 2019 WL 2495738 (Minn. App. June 17, 2019). In that appeal, Edwards did not challenge the conviction or any aspect of the sentencing decision, apart from his arguments regarding the July 25, 2018 restitution order.

2. On June 6, 2022, Edwards petitioned the district court for postconviction relief, arguing that his guilty plea was not accurate and seeking to vacate his conviction or obtain a new sentencing hearing on the grounds of judicial bias. The district court relied on *State v. Knaffla*, 243 N.W.2d 737, 741 (1976) and denied the petition without addressing the merits, concluding that, as a matter of law, Edwards was procedurally barred from postconviction relief. Edwards now appeals the denial of his postconviction petition, arguing that the interests-of-justice exception permits the district court to consider the merits of his postconviction petition.

3. When a person has directly appealed a conviction, that person is procedurally barred from raising claims in the postconviction petition that were previously raised in the direct appeal as well as “all claims known but not raised” in the direct appeal. *Knaffla*, 243 N.W.2d at 741. Generally, this court reviews a district court’s postconviction decision for an abuse of discretion, *Griffin v. State*, 961 N.W.2d 773, 776 (Minn. 2021), but we apply a de novo standard of review to the district court’s legal decisions, *Arredondo v. State*, 754 N.W.2d 566, 570 (Minn. 2008), and to the determination that *Knaffla* applies in a particular case, e.g., *Barnslater v. State*, 805 N.W.2d 910, 913 (Minn. App. 2011) (concluding under de novo review that *Knaffla* did not apply because the previous appeal challenged an order revoking probation and was not a direct appeal).

4. We observe that in denying Edwards’s postconviction petition, the district court characterized the previous appeal as a direct appeal. This characterization, however, is incorrect. Edwards’s previous appeal concerned only the district court’s July 25, 2018 restitution order. Nothing in that appeal challenged the guilty plea, conviction, or

sentencing matters other than restitution, and appellate courts treat challenges to a restitution order as a sentencing appeal. *See, e.g., State v. Borg*, 834 N.W.2d 194, 198 (Minn. 2013) (indicating that a party may appeal from a restitution order entered after sentencing as an appeal from an amended sentence). In fact, because the October 9, 2018 appeal was filed well after the deadline for appealing the February 13, 2018 judgment of conviction had passed, this court would not have been able to address a challenge to the judgment of conviction had Edwards included such an argument in the previous appeal. *See* Minn. R. Crim. P. 28.02, subd. 4(3)(a) (requiring persons to file direct appeals in felony and gross misdemeanor cases within 90 days from the date of entry of the judgment of conviction); *State v. Tomlinson*, 938 N.W.2d 279, 286 (Minn. App. 2019) (dismissing for lack of jurisdiction a direct appeal from judgment of conviction that was filed more than 90 days after entry of judgment), *rev. denied*, (Minn. Feb. 26, 2020). The October 9, 2018 appeal was not—and could not have been—a direct appeal.

5. Although *Barnslater* related to an initial probation revocation appeal, followed by a postconviction petition, the reasoning in *Barnslater* compels reversal here. In that case, this court reversed the denial of a postconviction petition, concluding that *Knaffla* cannot procedurally bar a postconviction petition when there had not been a direct appeal. *Barnslater*, 805 N.W.2d at 913. Here, Edwards challenged the restitution order in the October 9, 2018 appeal. That matter was not a direct appeal and “does not implicate

the concerns or fall under the holding of *Knaffla*.” *Id.* Therefore, Edwards is not procedurally barred from now bringing the postconviction petition.¹

IT IS HEREBY ORDERED:

1. The district court’s order is reversed and remanded.
2. Pursuant to Minn. R. Civ. App. P. 136.01, subd. 1(c), this order opinion is nonprecedential, except as law of the case, res judicata, or collateral estoppel.

Dated: April 19, 2023

BY THE COURT

A handwritten signature in black ink, appearing to read "J. M. Bryan", is written over a horizontal line.

Judge Jeffrey M. Bryan

¹ Edwards does not argue that the previous appeal was not a direct appeal. Nevertheless, we cannot properly apply *Knaffla* in this case to affirm the denial of Edwards’s postconviction petition on procedural grounds when a direct appeal—the fundamental precondition justifying the procedural bar—has not occurred.